

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Farnolia Garrett, et al.,  
Plaintiffs

v.

Case No. 1:13-cv-499

West Chester Police  
Department, et al.,  
Defendants

**ORDER**

This matter is before the Court on the Magistrate Judge's Report and Recommendation filed February 21, 2014 (Doc. 77).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). As of the date of this Order, no objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, we find the Magistrate Judge's Report and Recommendation correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED** as follows:

1) The complaint against John Hand is **DISMISSED** without prejudice for lack of proper service;

2) The Hamilton County defendants' motion for summary judgment is **GRANTED** and judgment is granted in favor of John Ruebusch and the Hamilton County Sheriff's Department;

3) The complaint against "Richard Barrett (Previous 7441 Apt. 10" is **DISMISSED** *sua sponte*;

4) Plaintiff's motions for leave to amend the complaint are **DENIED**;

5) Plaintiff's motion to "review and examine the Property Room to identify any unreturned items that the Defendants, illegally confiscated and did not return" is **DENIED AS MOOT**;

6) The Hamilton County defendants and West Chester defendants' motions for sanctions are **GRANTED**, and plaintiffs are **SANCTIONED** as follows:

1) Any complaint plaintiffs seek to file in this Court is to include a copy of this Order adopting the Report and Recommendation; the complaint will be subject to initial judicial review to determine if plaintiffs seek to re-litigate the same disputes underlying this case; and in the event the proposed complaint seeks to re-litigate the same disputes underlying this case, monetary sanctions will be imposed; and

2) Plaintiffs will be strongly admonished that monetary sanctions in the form of attorney fees may be imposed under Rule 11 if they engage in future filings in this lawsuit that are deemed frivolous or presented for an improper purpose under Rule 11.

This case is **CLOSED**.

**SO ORDERED.**

Date: May 28, 2014

s/Sandra S. Beckwith  
Sandra S. Beckwith, Senior Judge  
United States District Court